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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Eleventh periodic report of States parties due in 1994

Addendum

MEXICO*

[19 August 1996]

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* This document contains the eleventh periodic report, due on 22 March 1996.

For the ninth and tenth periodic reports of Mexico and the summary records of the meetings at which the Committee considered the reports, see documents CERD/C/260/Add.1 and CERD/C/SR.1104-1105.

The information submitted by Mexico in conformity with the consolidated guidelines on the initial part of reports by States parties appears in core document HRI/CORE/1/Add.12.

Introduction

1. As a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, Mexico hereby submits for consideration by the Committee on the Elimination of Racial Discrimination its eleventh periodic report, in conformity with article 9 of the Convention, with the Committee's guidelines on the submission of reports, and with the recommendation to the Mexican Government made by the Committee at its meeting in August 1995 that this report should be an update, consistent with the Committee's practice since 1988 of considering full reports from States parties every four years and brief updates every intervening two years.

2. This report contains information to supplement that presented in 1994 in the combined ninth and tenth reports and the additional information submitted in 1995 on the situation in the State of Chiapas.

3. In reference, moreover, to its defence of its ninth and tenth reports in 1995, and in particular to the Committee's suggestion that there should be a legislative provision expressly making discrimination a non-federal offence, the Government takes the liberty of mentioning that various public authorities are currently discussing the matter with minority associations and communities; if they agree, the question will go forward for legal and procedural analysis with a view to its incorporation as a reform to the Federal Penal Code.

4. In this report the Government lays emphasis on five topics of outstanding importance at this moment in the life of the nation:

(a) Human rights and the administration of justice in the indigenous communities, particularly indigenous individuals held in detention centres around the country;

(b) Educational efforts to combat overt and covert displays of racism and promote a proper understanding of what the indigenous peoples have contributed towards the shaping of the nation;

(c) The peace process in the State of Chiapas, especially as regards the negotiations on indigenous rights and culture;

(d) Migratory flows at the southern border and the protection and defence of the human rights of Central American migrant workers entering Mexico;

(e) The protection of Mexicans abroad, who face growing racism and xenophobia, particularly at the northern border.

I. HUMAN RIGHTS AND THE ADMINISTRATION OF JUSTICE IN INDIGENOUS COMMUNITIES, PARTICULARLY INDIGENOUS INDIVIDUALS HELD IN DETENTION CENTRES AROUND THE COUNTRY

5. The National Human Rights Commission (CNDH) set up an indigenous affairs programme in 1994 to deal specifically with indigenous communities which, owing to their particular circumstances, are among the groups most vulnerable to human rights violations. The programme focuses on defending the human rights of indigenous individuals held in the country's various detention centres.

6. Between May 1995 and May 1996, 22 working teams were set up in 16 Federal entities: Campeche, Chiapas, the Federal District, Durango, the State of Mexico, Hidalgo, Morelos, Nayarit, Oaxaca, Querétaro, Quintana Roo, San Luis Potosí, Sonora, Tlaxcala, Veracruz and Yucatán. They visited a total of 56 detention centres and reviewed the records on 984 indigenous detainees.

7. Over this period they put forward 530 proposals, of which 399 related to the jurisdiction of the ordinary courts and 131 to that of the Federal courts; 21 concerned persons undergoing trial and 509, persons already convicted. As a result of their proposals, 234 indigenous individuals were set free - 172 convicted of ordinary offences, and 62 of Federal. In all, 226 convicts and 8 individuals undergoing trial were set free: 158 on early release, 45 on partial remission of sentence, 11 on parole, 8 on bail, 5 on conditional release, 4 on revision of sentence and 3 with work permits.

8. To sum up, the records on 6,858 indigenous individuals held in various detention centres have been reviewed since the creation of this programme. The authorities have been sent 1,727 proposals for release, as a result of which 998 individuals have been freed - 719 who were being held for ordinary offences, and 279 for Federal offences.

9. The National Human Rights Commission has set up a database into which it has uploaded the 6,858 sets of records. In conjunction with the National Indigenous Institute it has also conducted a census of indigenous individuals in prison, basically drawing on the information gathered by the working teams and information supplied by the General Directorates for Prevention and Social Rehabilitation of the constituent entities of the country.

10. Between May 1995 and May 1996 the National Commission received 69 new complaints which, added to the 23 already in hand, make a total of 92. The new complaints allege delay in the administration of justice, false accusations, arbitrary detention, abuse of public office, improper conduct of preliminary investigations, and despoilment.

11. Of the 92 complaints, 53 have been resolved: 3 on the recommendation of the National Commission; 20 on legal instructions; 16 for lack of jurisdiction; 3 through combination of offences; 3 for lack of interest in the proceedings on the part of the plaintiff; 2 were settled out of court, and 6 in legal proceedings. Up to May 1996 the National Commission had issued 45 recommendations on indigenous affairs touching on a number of topics: freedom of movement; agrarian questions; arbitrary detention; entry and search; injuries; delayed justice and religious freedom, among others.

12. On the administration of justice, the National Commission conducted a number of studies which paved the way for changes, in 1991, to sundry provisions of the Federal Code of Penal Procedure and the Code of Penal Procedure for the Federal District. The most salient of these changes were to establish the right of non-Spanish speaking indigenous individuals to have a translator present during the different stages of penal proceedings, and to make it incumbent on judges to acquaint themselves with all factors so as to understand and appreciate the personalities and situations of the perpetrators of and others involved in a crime when they belong to ethnic groups. Consistent with these reforms, the National Indigenous Institute has encouraged the attendance of indigenous translators at trials to provide assistance to those involved.

13. To publicize particular aspects of the protection of human rights in indigenous affairs, a seminar on the human rights of indigenous peoples in Mexico, organized by the National Human Rights Commission, the Centre for Research and Higher Studies in Social Anthropology and the Metropolitan Autonomous University (Xochimilco campus) was held on 29 and 30 November 1995. It stressed the need for a more penetrating analysis of the foundations and legal customs of indigenous communities; the need to address the problem of compatibility between standards and traditions deriving from indigenous tradition and custom and the Federal and local legal systems; the need to get some way towards what respect for the autonomy of indigenous peoples, municipalities and regions implies; and the need for a new legal framework that answers the legitimate demands of the country's indigenous people.

14. Similarly, a workshop on the rights of Indian peoples, intended for translators and interpreters working in various indigenous languages, was held between 25 and 28 March 1995 and covered human rights, preliminary investigations and penal procedure. To provide a means of offering advice and assistance in the defence of indigenous communities' human rights, the National Commission has signed agreements with the Autonomous University of Baja, California, the Institute of Anthropological Research of the Autonomous University of Mexico and the National Pedagogical University.

15. Lastly, it is important to mention that the existence and growing assertiveness of Mexico's indigenous peoples makes it necessary to find fresh scope for autonomy and the right to be different. The 1992 reform to article 4 of the Constitution marks a step forward in the recognition of the right to be different and, hence, in respect for indigenous legal customs. There are still gaps - sometimes serious - in many laws and regulations, however, in that the standards set by the traditions and customs that order life and relations in the indigenous world are ignored. Norms, arrangements and procedures to protect and respect indigenous communities' languages, cultures, practices, customs and specific patterns of social organization (provided that they do not contravene the Constitution) must be instituted.

II. EDUCATIONAL EFFORTS TO COMBAT OVERT AND COVERT RACISM AND PROMOTE A PROPER UNDERSTANDING OF THE CONTRIBUTION MADE BY INDIGENOUS PEOPLES TO THE SHAPING OF THE NATION

16. The National Human Rights Commission has, under its education and public information programme, produced a second series of 10 five-minute radio dramatizations devoted to its recommendations on indigenous affairs; with backing from the National Indigenous Institute, these broadcasts have been aired by every Institute radio station in Mexico.

17. Under its training programme - the part targeted at vulnerable groups - courses in human rights have been given to indigenous peoples, women, children, senior citizens, disabled people, HIV/AIDS sufferers, prisoners and migrants.

18. The table below indicates the number of activities carried out with these groups, the numbers of hours devoted to them and the numbers of participants:

GROUP	ACTIVITY	HOURS	PARTICIPANTS
Indigenous peoples	55	601	2 543
Women	23	160	1 693
Children	87	376	3 167
Migrants	3	21	172
Disabled people	21	53	616
HIV/AIDS sufferers	26	153	1 275
Senior citizens	8	20	335
TOTAL	223	1 384	9 801

19. As regards the indigenous population, training activities and seminars for indigenous propagandists on the subject of human rights and indigenous peoples were held between May 1995 and May 1996 in the States of Oaxaca, Guerrero, Michoacán, Hidalgo, Puebla, San Luis Potosí, Durango, Nayarit, Jalisco, Sonora, Guanajuato and Chiapas, where the National Commission also helped to design programmes on educational guidance, direct training and the production of teaching and support materials, which have been translated into Tzeital for use by the various communities in the area.

20. The National Human Rights Commission (CNDH) has worked with the Chiapas State Evangelical Defence Centre, which is principally concerned with the problems of those expelled from San Juan Chamula and the Los Altos district on

religious grounds. As part of the response to those problems, courses have been given on the law relating to defence in the face of the various situations that may arise out of such expulsions, so that the injured parties can in turn spread and promote awareness of legal defence mechanisms among their communities.

21. In similar vein, video documentaries have been made on *The National Human Rights Commission and vulnerable groups* and, relating to indigenous matters, *CNDH in Oaxaca with the Zapotecas, CNDH in Sonora and Sinaloa with the Mayas, CNDH in the State of Mexico with the Mazahuas* and *CNDH in Puebla with the Totonacos*, showing how the various peoples live, their customs and traditions and, in particular, what access they have to justice and what human rights violations they chiefly suffer. The documentaries are broadcast over commercial television channels; this helps to bring them to a larger audience than just the indigenous peoples concerned, and also to promote a proper understanding of what the indigenous peoples have contributed to the shaping of the nation.

22. As regards publications, *Contribución al Estudio del Derecho Consuetudinario Triquí* (A Contribution to the Study of Triquí Customary Law) and *Costumbres Jurídicas en Comunidades Indígenas en México* (Legal custom in Mexican indigenous communities) were published in 1995; this year, the primer and three-part series *Human Rights of Indigenous Peoples* have been translated into six indigenous languages, and the *Directory of Federal Government Services and Programmes for Indigenous Peoples*, the aim of which is to foster the development of indigenous communities and groups by means of the programmes and activities offered by various Government bodies, has been completed.

23. On the topic, lastly, of the National Commission's dissemination and training activities, a collection of recommendations by the National Human Rights Commission in support of the human rights of indigenous peoples and a compilation of Federal and State laws and decisions relating to indigenous peoples are in press.

III. THE PEACE PROCESS IN THE STATE OF CHIAPAS, WITH SPECIAL REFERENCE TO THE NEGOTIATIONS ON INDIGENOUS RIGHTS AND CULTURE

24. Investigations are continuing under the National Human Rights Commission's La Selva and Los Altos de Chiapas Programme into complaints already lodged and those that, it is suspected, will subsequently prove to have a bearing on the internal strife in the State.

25. Between 26 May 1995 and 25 May 1996, complaints lodged with the National Commission relating to the internal strife numbered 36; added to the 74 that were reported to be in progress in the Commission's last annual report, they make a total of 110; 16 more complaints connected with the internal conflict relate to presumed violations that took place in other parts of Mexico.

26. The Commission has also received complaints of alleged human rights violations unrelated to the events that began in Chiapas on 1 January 1994.

In total, 267 such complaints have been lodged, and a further 149 were reported to be in progress in the Commission's last annual report, making 416 complaints involving 779 injured parties. Of this total of 416, 110 are connected with the armed conflict and 306 with separate incidents.

27. Besides receiving and handling complaints of human rights violations, the National Commission has given the general public support and guidance in the protection of their basic rights, publicizing those rights and offering training for the staff in Government procurators' offices.

28. The Mexican Government has not changed its stand, on paper or in practice: political negotiations within the confines of the law are the only way to settle the conflict that broke out in the State of Chiapas on 1 January 1994. It should be noted that the conflict is limited to just 7 of the 111 townships in the State, not the whole of Chiapas.

29. Since the outbreak of the conflict, the primary goal of the Mexican Government has been to secure a just, worthy and definitive peace in Chiapas - one that furthers the national objective of strengthening the rule of law by means of a legal system that reflects the multiplicity of Mexican society, preserves Mexico as a nation and can recognize and fully guarantee the rights conferred by the Constitution on all Mexicans.

30. The Government has therefore laid down an all-embracing institutional strategy of encouraging dialogue and negotiation within the confines of the law, restoring the unrestricted rule of law, addressing the social issues at the root of the conflict, and guaranteeing the safety of the general public and the territorial integrity of the State of Chiapas.

31. To direct the negotiating process into legal and political channels, the Congress of the Union, acting on a joint initiative by the Legislature and Executive, passed the Dialogue, Conciliation and Worthy Peace in Chiapas Act on 11 March 1995; this is an unheard-of device, implying an explicit commitment to peace, guaranteeing negotiation and leading to a definitive solution.

32. Pursuant to this Act, the Concord and Peace Commission (COCOPA) was formed on 14 March 1995 from members of all the political parties represented in Congress; a Government delegation was set up to represent the Executive, and the National Mediation Commission (CONAI), set up at the suggestion of the so-called Zapatist National Liberation Army (ZNLA), was accepted as a mediator.

33. Since 9 April 1995, the Government and ZNLA have formalized a dialogue and negotiation process based on the desire of both sides to arrive at a peaceful, just and worthy settlement to the conflict within the framework of the Dialogue, Conciliation and Worthy Peace in Chiapas Act, mediated by CONAI and with backing from COCOPA, which has powers under the Act to assist, facilitate and promote dialogue and negotiation.

34. It is appropriate to mention that the efforts of COCOPA and the political will of the Government, which has adopted an attitude of tolerance and respect for the action away from the negotiating table that ZNLA deemed

and respect for the action away from the negotiating table that ZNLA deemed necessary to its return to national political life, have been of decisive importance in opening channels for the political and social participation by ZNLA, enabling it to convert into a legal organization.

35. Meetings between the Federal Government and ZNLA have established the principles, agenda, rules of procedure and format of the negotiations; progress has been made in discussions on the first of the substantive issues that gave rise to the indigenous peoples' uprising.

36. There is a single agenda, drawn up by mutual agreement, which is public knowledge; there are no secret undertakings. The various items are:

1. General easing of tensions - measures to ease tension and safeguards to ensure there will be no renewal of hostilities, and to lead to an agreement on concord and peace with justice and dignity;

2. Political, social, economic and cultural matters, including:

(a) indigenous rights and culture

(b) democracy and justice

(c) welfare and development, and

(d) women's rights in Chiapas;

3. Conciliation among the various sectors of Chiapas society;

4. The political and social activities of ZNLA pursuant to article 2 of the Dialogue, Conciliation and Worthy Peace in Chiapas Act.

37. On 3 September 1995, President Ernesto Zedillo held a working meeting with senators and deputies on COCOPA, during which he suggested that the Indigenous Rights Bill should be discussed at the San Andrés Larráinzar negotiations and that all the indigenous groups in the country should be given hearings through regional gatherings so as to arrive at a proposal commanding nation-wide consensus.

38. Intensive dialogue and negotiations during the sixth meeting at San Andrés Larráinzar, held from 5 to 11 September 1995, concerned forums to deal with the demands of the indigenous communities - the central aim of the meeting. The upshot was the first forum on indigenous rights and culture, where some fundamental agreements have already been reached.

39. The agreements reached at the meeting of 10-19 January 1996 include a joint announcement laying the foundations for a new compact between the State and the indigenous communities. This compact rests on the following basic premises:

(a) The deep socio-economic inequalities that affect indigenous peoples particularly badly must be acknowledged and dealt with;

(b) Sweeping institutional reform giving expression to the principles of a new style of government, in which indigenous peoples play a central role in activities that affect or have a bearing on their development, must be promoted;

(c) A renewal of the social, legal and political order to favour the development and exercise of indigenous peoples' rights must be encouraged;

(d) The multiple cultures in the national legal system must be acknowledged with the introduction of specific safeguards to ensure the equality of indigenous persons before the law.

40. Talks between the Federal Government and ZNLA recommenced in San Andrés Larraínzar on 13 February 1996 with the aim of establishing a fresh relationship with the indigenous communities, pushing for reforms to indigenous rights in three areas:

a) A consistent, comprehensive social policy;

) Reform in the institutions dealing with indigenous communities;

(c) Constitutional reforms to give effect to the rights of the various communities.

41. At the end of the meeting, on 16 February 1996, the two sides signed an agreement on indigenous rights and culture which represents a fundamental step forward in the peace process.

42. Contrary to reports by some governmental and non-governmental organizations that certain ethnic groups in the conflict area — Ocosingo, Las Margaritas and Altamirano, for example — are cut off and supplies of basic food, medicine and other items are blocked, the Government does not seek nor ever has sought to eliminate indigenous groups. It has not and will not in the seven townships embroiled in the conflict, nor elsewhere in the State of Chiapas nor anywhere else in Mexico. Freedom of movement has not been suspended, and humanitarian aid convoys, both national and foreign, have been allowed unrestricted access.

43. It is important to mention that the International Committee of the Red Cross (ICRC), whose intervention States are not obliged to accept, intervened in Chiapas, in connection with the domestic conflict that broke out on 1 January 1994, by virtue of an exchange of notes signed for that purpose by the Mexican Government and ICRC on 10 and 17 January 1994 respectively.

44. Considering, however, that the peace process was following its proper course, the President of ICRC, Mr. Cornelio Sommaruga, visiting Mexico in September 1995, officially announced that ICRC was withdrawing all its personnel from Chiapas and closing its office in San Cristóbal de las Casas. This decision has been carried out, confirming that normality has returned to the area in keeping with the desire of the parties to this local conflict to seek a satisfactory resolution of the points at issue through direct dialogue and peaceful means.

45. The Mexican Red Cross will, with material and financial backing from ICRC, continue the aid programmes launched by ICRC in the region since early January 1994 and will run programmes with the competent authorities publicizing international humanitarian law.

46. It is also important to mention that the Government of Mexico respects international law and the agreements it signs, notably the International Declaration of Human Rights. To follow the human rights situation in the State of Chiapas, the conflict zone in particular, on 7 February 1994 the National Human Rights Commission passed agreement No. 1/94 establishing the Office for General Coordination in Los Altos and La Selva in Chiapas, whose principal function is to investigate allegations of human rights violations relating to the internal unrest, to assist the civilian population, and to promote a human rights culture in the region; its work and programmes have been described at length in preceding pages.

47. Besides this, on 13 February 1995 the National Human Rights Commission officially requested the Attorney-General of the Republic to take precautions against the occurrence of incidents in connection with the domestic unrest that might violate individual safeguards in the State of Chiapas or other parts of the country. The Attorney-General was asked to notify the Commission of any arrests or detentions so that it could ensure that they were carried out and enforced in accordance with the appropriate stipulations of articles 18, 19 and 20 of the Federal Constitution. The Attorney-General agreed to the Commission's request in every particular.

48. By agreement No. 1/95 of 6 March 1995, the Board of the National Commission endorsed the establishment of three mobile encampments in the Chiapas conflict zone, in Altamirano, Las Margaritas and Ocosingo, with the primary objective (among many others) of helping displaced persons return to their home communities. The encampments were staffed entirely by National Commission and Chiapas State Human Rights Commission personnel; they were closed recently, being considered to have completed their task.

49. Investigations are continuing under the National Human Rights Commission's Chiapas, Los Altos and La Selva Programme into complaints already lodged and those that, it is suspected, will subsequently prove to have a bearing on the internal strife in the State.

50. As regards information and information programmes, the National Commission has orchestrated a programme to promote and publicize human rights in Los Altos and La Selva. It has arranged for the broadcast over local radio stations of spots on prompt justice, detention, giving evidence and respect for human rights. The spots are still broadcast 16 times a day in Spanish, Tzeltal and Tzotzil, thus ensuring that the indigenous population in the region has access to the information.

51. Regarding reports of foreigners allegedly being intimidated in the State of Chiapas, the Mexican Government wishes to state that the migration authorities have exercised their power to set up temporary migration control points at a series of sites in the conflict zone so as to check that

foreigners in the area are in possession of the statutory travel documents. Foreigners with tourist visas have been officially warned to leave the zone for their own safety.

52. It is also important to stress that neither the National Commission's Complaints Coordinating Office nor its General Coordination Office in Los Altos and La Selva has on its files a single complaint from any member of a non-governmental human rights organization, Mexican or foreign.

53. The individual safeguards laid down in the Constitution, including freedom of movement throughout Mexico for Mexicans and foreigners alike, are respected fully and absolutely in the State of Chiapas and throughout the country.

54. To date, the most important achievement in the conflict in Chiapas has been the establishment and consolidation of a process of dialogue that is unprecedented, since it rests upon a law that commits the parties to a peaceful outcome; authentic, since it involves people with first-hand experience of the problems, who can press their claims unconstrained, with freedom and respect; productive, since it has cemented a new relationship between the State and the indigenous communities; and credible, since the rebel group has itself announced its conversion into a legal political organization.

55. These advances, taken together, suggest that the possibility of armed confrontation has virtually disappeared. The quieter and more relaxed atmosphere in Chiapas today is increasing social cohesion within a framework of law, encouraging productive activity and permitting the exercise of civil liberties.

IV. MIGRATORY FLOWS AT THE SOUTHERN BORDER AND THE PROTECTION AND DEFENCE OF THE HUMAN RIGHTS OF CENTRAL AMERICAN MIGRANT WORKERS ENTERING MEXICO

56. The situation at the southern border is very different from that at the northern one. Although Mexico has older historical ties and more in common with Belize and Guatemala, efforts and machinery to protect the human rights of immigrants from the south have so far proved inadequate by comparison with those operating at the northern border.

57. Migration by Central American, Latin American and Asian nationals entering Mexico through its southern border zone or using Mexico as a means of reaching the United States of America cannot be dismissed simply as population movements. Nor can the problem be reduced to one of mere economic causes, for other, intermingling political and social factors are at work within it that have varied with time and circumstances, changing radically since the 1980s.

58. Migrants entering Mexico from the south have a variety of objectives. Some make the crossing to work temporarily in Mexico, as is the case of the Guatemalans harvesting coffee, sugar cane or bananas in the Soconusco region of Chiapas. Others come to settle in the region along the frontier with Belize and Guatemala, a further group migrate to Mexico City, and a large

number use Mexico as a transit route to the United States. Since the 1980s, many have come for the sole purpose of surviving the violence of the social struggles and political climates that arose in their home countries in the late 1970s.

59. Central Americans crossing the Mexican border on their way north encounter a landscape of fear, uncertainty and, at times, violence, corruption and vulnerability - situations not unknown to the migrants taking work on the coffee plantations, sugar refineries or banana plantations, in the service sector or engaging in a variety of informal and vulnerable pursuits such as peddling and prostitution in the zone near the southern border.

60. The defencelessness of migrants without documents renders them prey to abuse by the authorities and to human rights violations. The same defencelessness often means that they will not report the violations they suffer even though there are diplomatic and non-governmental channels through which a complaint could be lodged against the authority supposedly responsible.

61. It is encouraging, however, to observe that efforts are being made through a variety of bodies, such as the consulates of Central American countries, to protect migrants, and that non-governmental organizations and the churches are also at work in the area.

62. The Mexican Government recognized in January 1995 that migration, as in many other countries, was a challenge on a large scale: greater than in the past and capable of growing in the future if it did not make preparations to anticipate, channel and cope efficiently with the phenomenon; it therefore embarked on a critical assessment and thorough review of its current policy so as to suit it to present-day conditions.

63. The effects of these migratory movements at the border began to make themselves felt in Mexico in the late 1970s, when the armed conflicts intensified. The most critical moment, however, came when huge groups of Guatemalan families and communities entered the country. Their motive, as non-combatants, for fleeing was the terror and persecution they had faced.

64. In parallel, but less explicitly, the behaviour of other migratory flows also changed substantially. From the viewpoint of labour availability, flows of migrant workers - particularly for farm work - increased and diversified. The creation of new sources of jobs in the border area encouraged this increase. Clearly, however, crises in the migrants' home countries were decisive in swelling the numbers joining the migratory flows, temporary though these were.

65. Proximity to a region in conflict necessitated an attitude and policies defined in the light of their actual and potential effects. The Mexican Government therefore embarked on a policy that favoured the restoration of peace and the development of the countries in the region. It has acted as a promotor and mediator between the parties in peace processes, and made use of international cooperation directed specifically at development in its neighbours.

66. The new pattern of migration had a variety of effects on Mexican society. On the one hand, welfare arrangements to assist and protect the refugee population had to be set up, while government institutions designed and carried out specific policies that were strengthened and backed by international and non-governmental bodies.

67. In the circumstances the Mexican Government was also constrained to change the law, introducing a specific statute to afford appropriate protection for the refugee population. Faced with increasing streams of migrants entering the country without documents, it tightened controls, security and deportation measures and increased the penalties applicable to those trafficking in immigrants for profit.

68. In April 1995 the National Human Rights Commission released its study, *Report on violations of immigrants' human rights*, conducted on the southern border, in which it made recommendations to the Ministries of the interior, foreign relations, labour and welfare, health, and agriculture, livestock and rural development, and to the Office of the Attorney-General, the Governments of the States concerned, their respective Government Procurators' Offices and the State Human Rights Commissions.

69. As a follow-up to that study, the Commission has evaluated the action taken by these various authorities in response to its proposals so as to help put a stop to practices demeaning to foreigners entering Mexico over its border with Belize and Guatemala. The action taken includes the following:

(a) A human rights primer for migrants (annexed). To promote respect for the human rights of people entering the country over the southern border, the National Commission, in conjunction with the Ministry of the Interior's National Migration Institute, produced and released its Human Rights Primer for Migrants in May 1996. The Primer seeks to give foreigners pointers on their basic rights and how to defend them, emphasizing that anyone inside Mexico, whatever country they are from, and whether or not in possession of the statutory travel documents, has human rights guaranteed by the Constitution of the United Mexican States;

(b) The Beta Sur migrant protection group. The inauguration on 4 May 1996 of the Beta Sur migrant protection group, bringing together 25 public servants from three levels of government - Federal migration officials, Chiapas State police officers and members of the Tapachula and Pijijiapan municipal police forces - was an event of some importance. The group was created to protect the human rights, physical integrity and assets of national and foreign migrants passing through the region, irrespective of their migrant status;

(c) The persons without documents programme. To protect the human rights of people without documents discovered in Mexico, the National Commission has set up a permanent programme to deal with any massive influx of individuals without documents, checking and certifying that the individuals' human rights are respected during the appropriate repatriation procedures. Between May 1995 and May 1996, this programme has helped to protect the rights of 3,473 individuals from Guatemala, Honduras, El Salvador, Ecuador, Nicaragua, Costa Rica, Brazil, Venezuela, the Dominican Republic and Peru, India and Bangladesh, even when they had entered the country without the

travel documents required by the legislation in force. Twenty-five working teams were set up, enabling National Commission staff to ensure that the national authorities treated the documentless migrants properly.

V. THE PROTECTION OF MEXICANS ABROAD, WHO FACE GROWING RACISM AND XENOPHOBIA, PARTICULARLY AT THE NORTHERN BORDER

70. One sector of the Mexican population particularly notable not only for their vulnerability but also for their impact on society and the economy are Mexican migrant workers. These, a tiny number in relation to the total population, wield entirely disproportionate political, economic and social influence. Their very particular circumstances, which on occasion are tantamount to complete defencelessness, and the authorities involved, make a meticulous and systematic examination of the associated problems indispensable.

71. Migration between Mexico and the United States is an historical phenomenon that has been going on for a century and a half. It has passed through a number of phases and economic cycles, taking on different features depending on economic, political, social and legal developments in the two countries.

72. Over the past three years, Mexican migration to the United States has aroused particular concern about respect for the human rights of migrant workers. This is the product of a number of factors that have combined as the migratory phenomenon has evolved.

73. Among the main features that have changed the outlook for Mexican migrants, one finds:

(a) Xenophobia and racial discrimination in some sectors of American society;

(b) The economic situation in the United States generally and California especially, with all that that implies, including rising unemployment;

(c) The impact on particular sectors of Mexican society of certain economic changes which, combined with the recession in the world economy and its effects at the national level, have affected the wages and employment situation of Mexican workers.

74. Apart from this, recent changes in United States policy on migration, with a series of proposals that, if acted upon, will affect the rights of migrant workers, contrast with the Mexican view of migration as a feature of the international labour market, where demand in the United States is as real as supply is in Mexico. Hence the vast majority of migrant workers continue to go to the United States, with or without documents, irrespective of whether their job expectations and prospects generally are improving or not.

75. It is relatively easy at present to stir up anti-migrant worker and anti-refugee racist and xenophobic sentiment in some sectors of United States society, in many cases blaming migrants and refugees for rising unemployment, tax imbalances, delinquency and epidemics - to cite just some examples.

76. It is true that relations between Mexico and the United States are based on mutual respect and are consistent with worldwide economic change. Many important points of convergence have been found. But it is no less true that no such range of agreement, allowing better protection and respect to be afforded to the human rights of Mexican migrants, has yet been found on the subject of international migratory flows.

77. Here it is important to point out that despite differences over the subject of migration there are more mechanisms nowadays permitting the Governments of Mexico and the United States to discuss and deal with the problems raised by migration between the two countries. The challenges of the present do, however, require these mechanisms to be strengthened, and new ways of organizing and invoking the authorities concerned to be found, so that migration can be handled fairly and properly.

78. The National Human Rights Commission has a programme on the human rights of migrant workers which seeks to detect and diagnose, in conjunction with the competent authorities, the main violations to which such workers are prey and press for action to root out such irregularities at both the northern and the southern borders.

79. As regards the northern border, a salient feature of the programme is a study currently in progress on violations of the human rights of Mexican women emigrating to the United States; the objective is to reveal the situation of such women and draw up suggestions aimed at the authorities involved in these human rights violations.

80. Similarly, the Commission has published a *Second report on violations of the human rights of Mexican migrant workers travelling to the northern border, crossing the border and entering the southern border area of the United States*. This was assembled from complaints received by the Commission and the human rights commissions of the Mexican States on the northern border, and from information supplied by non-governmental organizations - Mexican and American - concerned with the human rights of migrant workers, academic institutions, and the Mexican Ministries of Foreign Affairs and the Interior.

81. During the preparation of the *Second report* it was observed that the Mexican Government has made an effort to set up an infrastructure enabling its consular departments to offer better service to migrant workers going to the United States.

82. The primary objective of the Mexican consulates in the United States border area has been to devote more time and resources to dealing with cases brought to them by Mexican migrants. Consular involvement in watching over and protecting Mexican workers has been growing by the day, with encouraging results as regards the payment of compensation to Mexicans who have suffered abuse or violence at the hands of United States authorities.

83. One must nevertheless not lose sight of the fact that isolated trends in some parts of the United States towards an anti-migrant climate might become pervasive; the Mexican Government and its diplomatic and consular staff have thus had to work harder and better to afford still greater protection in the southern border region of the United States.

84. In keeping with its efforts to protect and defend the rights of migrant workers, Mexico chaired the United Nations working group that drafted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and was the first country to sign the Convention; the various departments of the Federal Government are now studying the possibility of its early ratification.

85. The Government has campaigned for the ratification of the Convention in a variety of international bodies, sponsoring resolutions in the United Nations Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities urging other Governments to sign and ratify the Convention as soon as possible.

86. Mexico has also cosponsored resolutions on means of combating contemporary forms of racism, racial discrimination and xenophobia, calling on the Commission on Human Rights to condemn displays of racism, discrimination and racist violence against migrant workers and on the Special Rapporteur on the topic to investigate the incidents related.

87. In view of the breadth and complexity of the issues and questions raised in the migrant workers convention, however, and the obviously complicated process that is likely to follow its entry into force, the Mexican Government announced at the fifty-second session of the Commission on Human Rights that, should the Convention not swiftly take effect and its very thorough provisions be fully observed, it would look for an immediate formula to concentrate attention on respect for migrants' basic rights, calling for an institutional mechanism to draft minimum standards applicable to migrants in any country, regardless of their legal status, and thematic machinery to which to submit complaints that migrants' basic rights had been violated.

88. Between May 1995 and May 1996, six events were held for migrants and bodies dedicated to their protection in the city of Tijuana, Baja California, under the National Human Rights Commission's training programme on the rights of migrants.

89. The National Commission, the National Indigenous Institute and six non-governmental organizations held a gathering entitled *Los Distintos Rostros de la Migración* (*The Various Faces of Migration*). They have also run five workshops with non-governmental organization leaders; the initial phase consisted of basic training in human rights and international instruments on the rights of migrants and their families.

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